REMARKS

I. STATUS OF THE CLAIMS

Claims 1 and 5-63 are pending in this Application. Claims 9-12, 15-17, and 33-63 were withdrawn from consideration by the Examiner. Claims 1, 5-7, 13, 14, 18-21, 23-27, 29, and 30 stand rejected under 35 U.S.C. § 102(b). Claims 1, 5-8, 13, 14, and 18-32 are provisionally rejected under the nonstatutory obviousness-type double patenting rejection.

Applicants acknowledge and appreciate that the Examiner has withdrawn the finality of the previous Office Action. Applicants further acknowledge and appreciate that the Examiner has withdrawn the Section 103(a) rejection of claims 1, 5, 13, 14, and 18-32 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,340,519 to Kotera et al. in view of U.S. Patent No. 6,346,160 B1 to Puppin.

II. REJECTION UNDER 35 U.S.C. § 102

The Examiner has maintained the rejections of claims 1, 5-7, 13, 14, 18-21, 23-27, 29, and 30 under 35 U.S.C. § 102(b) as anticipated over U.S. Patent No. 5,527,838 to Afzali-Ardakani et al. ("*Afzali-Ardakani*") for reasons of record. Applicants respectfully traverse this rejection for at least the reasons presented below.

A rejection under Section 102 is proper only when the claimed subject matter is identically described or disclosed in the prior art. *In re Arkley*, 455 F.2d 586, 587 (C.C.P.A. 1972). "For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." M.P.E.P. § 706.02. The identical invention must be described in as complete detail as is contained in, and must be arranged as required by, the claim. M.P.E.P. § 2131. Indeed, in order to

anticipate the claimed invention, a reference must "clearly and unequivocally disclose the claimed compound or direct those skilled in the art to the compound without any need for picking, choosing and combining various disclosures." *In re Arkley*, 455 F.2d at 587. Importantly, the absence of a single element or limitation indicates the reference neither describes nor anticipates the claim. M.P.E.P. § 2131.

As stated in Applicants' October 17, 2005, and July 10, 2006, responses, incorporated by reference herein in full, *Afzali-Ardakani* fails to expressly or inherently teach a fabric comprising at least one strand comprising a plurality of fibers and having a resin compatible powdered coating composition on at least a portion of a surface of the fabric, the resin compatible powdered coating composition comprising, *inter alia*, a plurality of discrete particles, at least one lubricious material different from the plurality of discrete particles, and at least one film-forming material, wherein the at least one fiber strand comprises at least one glass fiber.

In the present Office Action, the Examiner maintains that the fluorine-containing polymers discussed in the present invention are lubricious materials since such polymers "are well known to have lubricious properties." Office Action dated July 28, 2006, at 4. The Examiner further argues that "[w]hether a fluoropolymer is used/added to a composition for reasons other than said lubricous properties... does not preclude the basic characteristics of said fluoropolymer." *Id.* In conclusion, the Examiner notes that a material need not be added as a lubricant to anticipate the present invention; only that the material have lubricious properties. *Id.*

It is not enough, however, for the Examiner to make such an statement without specific support. The fact that a certain result or characteristic *may* occur or be present

in the prior art is not sufficient to establish the inherency of that result or characteristic. M.P.E.P. § 2112, *quoting In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993). "In relying upon the theory of inherency, the *examiner must provide* a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (first emphasis added).

The Examiner's statement that "fluoropolymers are well known to have lubricious properties" clearly does not provide any evidence to support such an assertion. Indeed, the Examiner previously stated that "the prior art *does not specifically state* the usage of [the] fluropolymer as a lubricant...." Office Action dated February 10, 2006, at 6 (emphasis added). Applicants respectfully submit that a presumption that a property *might* be present, especially after the Examiner previously stated that such a property *did not* exist in the prior art, is not sufficient for a *prima facie* case of inherency.

Applicants therefore submit that the rejection is improper and respectfully request that the Examiner withdraw the Section 102(b) rejection of independent claim 1 over *Afzali-Ardakani*, and claims 5-7, 13, 14, 18-21, 23-27, 29, and 30 that depend therefrom.

III. DOUBLE PATENTING

The Examiner has rejected claims 1, 5-8, 13, 14, and 18-32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 5-8, 13, 14, 18-32, 44, 46, 47, and 50 of co-pending Application No. 09/620,526. Applicants respectfully wish to draw the Examiner's attention to Applicants' October 17, 2005, response, in which this rejection was addressed.

For convenience, Applicants reiterate that without acquiescing to or agreeing with the Examiner's characterization of the claims, Applicants respectfully request that this rejection be held in abeyance until such time as this application or the other rejected co-pending application is otherwise in condition for allowance.

IV. CONCLUSION

In view of the foregoing remarks, Applicants submit that the claimed invention is not anticipated in view of the prior art reference cited against this application. Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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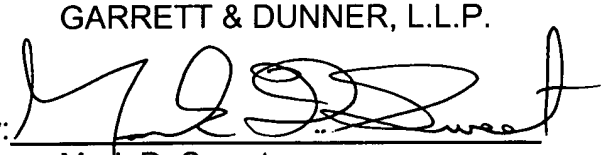
Dated: October 30, 2006

By: 

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